UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,843	09/19/2003	William E. Sobel	SYMAP033	5791

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EXAMINER
LASHLEY, LAUREL L

ART UNIT	PAPER NUMBER
2132	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 November 2007*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7,9-14 and 16-22* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7,9-14 and 16-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   Applicant's amendments filed 11/16/2007 have been accepted and entered. It is

noted that claims 1, 14 and 16 have been amended. As such claims 1-7, 9-14 and 16-

22 are still pending. Applicant's amendments to the claims have overcome the 35 USC

112 and it is therefore withdrawn.

Response to Arguments

2.   Applicant's arguments filed 11/16/2007 have been fully considered but they are

not persuasive. It is Applicant's assertion that the amendment recitation "wherein the

authentication is based at least in part a determination that the observed behavioral

pattern of the packets matches a pre-defined packet sequence" is not taught by either

Kalajan or Teraoka. The Examiner respectfully disagrees. Kalajan disclose packets (see

column 1, line 50) which are well known in the art to include header, payload and trailer

portions. As such the header and trailer portions of the Kalajan packets respectively

contain, the packet's number distinguishing different packets based on a sequence

number and the trailer portion contains checksum operation that ensures the received

packet matches a predetermined value. Therefore, the Examiner believes Kalajan to still

be relevant to Applicant's claimed invention. Moreover, it is Teraoka disclosure of

packet header authentication (see column 7, lines 43-46; column 9, lines 16-23) which

again is well known in the art for packet headers to contain information regarding the

behavior, e.g. its sequence number. Therefore the Examiner believes this disclosure

meets Applicant's claim limitation and for at least these reasons the Examiner maintains

the rejection of claims 1-7, 9-14 and 16-22.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

3.   Claims 1-7, 9 – 14, and 16 – 22 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Kalajan in US Patent No. 6202156 (hereinafter US '156) further in

view of Teraoka in US Patent No. 6009528 (hereinafter US '528).

4.   For claim 1, and similar independent claims 14 and 16, US '156 discloses:

A method for network security comprising:

receiving a request from a remote address at a host;

observing a behavioral pattern of packets associated with the request;

authenticating the remote address based on the behavioral pattern of the

packets associated with the request; and

enabling access to the host by the remote address for a configurable time

period if the remote address is authenticated; (see Abstract; Figure 1; column 1,

lines 35 – 63, 65 – column 2, lines 1 – 10, 29 – 34, 37 – 43, 50 – 58: process of

validating access request…, 60 – 65: time period…; column 6, lines 47 – 51: packet

observation…) *but does not expressly disclose* wherein the authentication is based at

least in part a determination that the observed behavioral pattern of the packets

matches a pre-defined packet sequence.

Teraoka however in US '528 teaches wherein the authentication is based at least in part a determination that the observed behavioral pattern of the packets matches a pre-defined packet sequence (see Abstract; column 7, lines 43 – 46: authentication information is in the packet header; column 7, lines 53 – 58: packet header contents; column 9, lines 16 – 23: packet header authentication).

Kalajan and Teraoka are analogous art because they are from the same problem solving areas (enhancing the security of communication on a network). At the time of the invention, it would have been obvious to a skilled artisan to modify the method of packet authentication of Kalajan such "that it would be based at least in part a determination that the observed behavioral pattern of the packets matches a pre-defined packet sequence" such as packet header authentication as in Teraoka. The motivation for doing so would have been to enhance network security.

For claim 2, and similar claim 17, US '156 teaches:

A method for preventing network discovery of a system services configuration as recited in claim 1 further including preventing a response from being sent to the remote address. (see column 1, lines 36 – 37; column 3, lines 17 – 20)

For claim 3, and similar claim 18, US '156 discloses:

A method for preventing network discovery of a system services configuration as recited in claim 1 wherein receiving a request from a remote address at the host further includes receiving a probe. (see column 2, lines 42 – 43; column 4, lines 41 – 43, 58 – 61)

For claim 4, and similar claim 19 US '156 discloses:

A method for preventing network discovery of a system services configuration as recited in claim 1 wherein observing a pattern associated with the request further includes recording data received at the host. (see column 4, lines 33: firewall; column 6, lines 47 – 56)

For claim 5, and similar claim 20, US '156 teaches:

A method for preventing network discovery of a system services configuration as recited in claim 1 wherein observing a pattern associated with the request further includes matching the pattern to a list. (see column 4, lines 1 – 11)

For claim 6, US '156 teaches:

A method for preventing network discovery of a system services configuration as recited in claim 1 wherein observing a pattern associated with the request further includes recording a sequence. (see column 4, lines 1 – 11, 35 – 39 and 54 -61)

For claim 7, and similar claim 21 US '156 teaches:

A method for preventing network discovery of a system services configuration as recited in claim 1 wherein authenticating the remote address based on the pattern associated with the request further includes comparing the pattern to a list. (see column 4, lines 1 – 11 and 54 – 61)

For claim 9, and similar claim 22 US '156 discloses:

A method for preventing network discovery of a system services configuration as recited in claim 1 wherein authenticating the remote address based on the pattern associated with the request further includes preventing a response being sent to the remote

address if the remote address fails to authenticate. (see column 4, lines 62 – 65:

blocked by firewall; column 5, lines 53 – 56)

For claim 10, US '156 teaches:

A method for preventing network discovery of a system services configuration as recited

in claim 1 wherein authenticating the remote address based on the pattern associated

with the request further includes denying access to the host if the remote address fails

to authenticate. (see column 5, lines 53 – 56 and 65 - column 6, lines 1-7)

For claim 11, US '156 teaches:

A method for preventing network discovery of a system services configuration as recited

in claim 1 wherein authenticating the remote address based on the pattern associated

with the request further includes sending a message to the remote address if the

request fails to authenticate. (see column 5, lines 53 – 56 and 65 - column 6, lines 1-7)

For claim 12, US '156 discloses:

A method for preventing network discovery of a system services configuration as recited

in claim 1 wherein enabling access to the host by the remote address further includes

providing access for a configurable amount of time. (see column 2,, lines 61 – 64 and

column 4, line 66 – column 5, lines 1 – 4)

For claim 13, US '156 discloses:

A method for preventing network discovery of a system services configuration as recited

in claim 1 wherein enabling access to the host by the remote address further includes

implementing a handshake between the remote address and the host. (see column 4,

lines 54 –58)

Conclusion

5.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

6.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to LAUREL LASHLEY whose telephone number is

(571)272-0693. The examiner can normally be reached on Monday - Thursday, alt

Fridays btw 7:30 am & 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Gilberto Barron, Jr. can be reached on 571-272-3799. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/L. L./
Laurel Lashley
Examiner
Art Unit 2132

13 February 2008

/Gilberto Barron Jr./
Supervisory Patent Examiner, Art Unit 2132